



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,837	06/19/2001	Bijoyendra Nath	SEA9774 (30874.106USU1)	2478
36733	7590	08/21/2006	EXAMINER MILLER, BRIAN E	
SEAGATE TECHNOLOGY LLC INTELLECTUAL PROPERTY DEPT./ MAIL STOP NRW-097 7801 COMPUTER AVENUE SOUTH BLOOMINGTON, MN 55435			ART UNIT 2627	PAPER NUMBER

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,837

Applicant(s)

NATH ET AL.

Examiner

Brian E. Miller

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) 10, 11 and 26 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-14, 21-26 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2627

Claims 1-14, 21-26 are pending, with claims 10-11 & 26 still withdrawn from a previously set forth restriction requirement.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 8/10/06 has been entered.

Claim Objections

2. Claims 23-24 are objected to because of the following informalities: (a) claims 23-24, the language “of the lowered are and are less” is grammatically confusing. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2627

4. Claims 1-9, 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Chapin et al (US 5,128,822). (As per claims 1, 21) Chapin et al discloses a “reduced lubricant accumulating” slider, as shown primarily in FIGs. 3j and 5g, including: first 20 and second 22 air bearing surfaces; a center “portion” 52 (air bearing surface, claim 2) (FIG. 3j); first 20’ and second 22’ streamline control elements located adjacent the trailing edge at least partially between the first/second air bearing surface(s) and the center portion, respectively; wherein the two control elements are considered to reduce lubricant accumulation; (as per claim 3 & 22) wherein the slider includes a third 32 and fourth 30 control elements in contact with the first and second ABS, respectively; (as per claim 4) wherein a recessed area 28 is between the first and second ABS; (as per claim 5 & 23) wherein the first and second control elements are raised above the recessed area and are at least equal to the first and second ABS (see FIG. 2b); (as per claim 6) wherein a third air bearing surface 24 such that the first and second ABS are “bridged” by the third ABS; (as per claim 7) wherein the third ABS and the center portion/ABS are positioned at opposite ends of the slider; (as per claim 8) wherein the first and second streamline elements have respective first and second ends, the first end positioned in relation to the center portion/ABS and the second end extends beyond the center/ABS towards the third ABS (as in FIG. 3j); (as per claim 9) wherein the first ends of the first and second control elements conform in shape of the center portion/ABS (see FIG. 3j); (as to claim 24) wherein the third and fourth streamline control elements are less than a height of the first and second ABS (see FIG. 2d); (as per claim 25) wherein the ends of the first and second ABS is connected by a third ABS (25, 24, 27-see FIG. 3j).

Allowable Subject Matter

5. Claims 12-14 are allowable over the prior art of record.

Response to Amendment/Arguments

6. Applicant's arguments filed 8/10/06 have been fully considered but they are not persuasive.

A...Applicants' assert that the addition of the language "for limiting stagnation and flow reversal" in claims 1 & 21, overcomes the prior art of record, namely Chapin et al.

However, the Examiner respectfully disagrees. Similar to the language "function to reduce lubricant accumulation" also recited in the claim(s), the Examiner considers this language to be a recitation of an intended use of the claimed invention and must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The Examiner considers the structure of Chapin to be capable of performing this now recited intended use.

The Examiner has set forth that the claimed "first streamline element" and "second streamline element" are represented by structures 20' and 22', respectively, in Chapin. The claims do not recite any specific structural details of these streamline elements that would overcome the projected structures as disclosed by Chapin. While the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Art Unit: 2627

Further, the term “limiting” is considered to be an unreasonably broad relative term and it wouldn’t be possible to ascertain to what degree such stagnation and flow reversal has been limited.

C...The Examiner indicated that claims 12-14 are allowed in the Examiner’s Amendment. The reasons for allowance were indicated in the “Response to Argument” section of that Answer and are incorporated herein by reference. It is noted that “means plus function” language is handled differently as it invokes 35 U.S.C. § 112, sixth paragraph. Please refer to the Examiner’s Answer on how such language has been interpreted within the claims.

The present language of claims 1 & 21, do not invoke this statute, and thus are interpreted much broader, as discussed above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (571) 272-7578. The examiner can normally be reached on M-TH 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2627

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'B. E. Miller', with a long horizontal flourish extending to the right.

Brian E. Miller
Primary Examiner
Art Unit 2627

BEM
August 16, 2006